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16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 16-169-R-2

21 Plaintiff,

22 v.
FINDINGS OF FACT AND CONCLUSIONS
OF LAW REGARDING EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

23 MARLENE VARGAS,

24 Defendant.

25 On Friday, October 28, 2016, the Court held an order to show cause hearing regarding bond revocation and status conference in this case. Assistant United States Attorney Saurish Appleby-Bhattacharjee appeared on behalf of the United States of America. Deputy Federal Public Defender Andre Townsend appeared on behalf of defendant Marlene Vargas ("defendant"), who was present.

26 At the status conference, the Court and counsel discussed setting a trial date.

27 THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

28 1. The Indictment in this case was filed on March 18, 2016.

(Dkt. No. 1.) Defendant first appeared before a judicial officer of

1 the court in which the charges in this case were pending on May 5,
2 2016. (Dkt. No. 11.) The Speedy Trial Act, 18 U.S.C. § 3161,
3 originally required that the trial commence on or before July 14,
4 2016.

5 2. On May 5, 2016, the Court set a trial date of June 21,
6 2016. (Dkt. No. 15.) On May 26, 2016, the Court granted the
7 parties' Stipulation for an Order Continuing Trial Date and continued
8 the trial to July 19, 2016. (Dkt. No. 20.)

9 3. Defendant was previously released on bond pending trial but
10 absconded from pretrial supervision on or about July 5, 2016. (Dkt.
11 No. 29.) On or about July 6, 2016, this Court issued a bench warrant
12 for defendant's arrest at the request of Pretrial Services.
13 Defendant was arrested and made her initial appearance on this bench
14 warrant on October 19, 2016. (Dkt. No. 48.)

15 4. The Court finds that because defendant was wanted under an
16 arrest warrant and was at large from July 5, 2016 through October 19,
17 2016, defendant was "absent." Accordingly, the Court finds that the
18 time period from and including July 5, 2016, to and including October
19 19, 2016, inclusive, be excluded in computing the time within which
20 the trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(3)(A)-(B).

21 5. During the order to show cause hearing and status
22 conference on October 28, 2016, defendant was advised of her right to
23 a speedy trial. Upon conferring with counsel for the parties, the
24 Court set a trial date of December 13, 2016.

25 6. Based on defense counsel's agreements and based on the
26 representations made on the record, the Court finds that the period
27 from and including October 19, 2016, the date of defendant's initial
28 appearance on the outstanding warrant, to and including December 13,

1 2016, the date of the trial in this matter, be excluded from the time
2 within which trial must begin as required by the Speedy Trial Act, 18
3 U.S.C. § 3161, et seq., as further time is necessary to permit
4 defendant the reasonable time necessary for effective preparation of
5 a defense, taking into account the exercise of due diligence as set
6 forth in 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv).

7 7. The Court further finds that the ends of justice served by
8 continuing the trial date outweigh the interest of the public and the
9 defendant in a trial within the date originally prescribed by the
10 Speedy Trial Act.

11 IT IS SO ORDERED.



13 November 4, 2016

DATE

HONORABLE MANUEL L. REAL
UNITED STATES DISTRICT JUDGE

16 Presented by:



18 SAURISH APPLEBY-BHATTACHARJEE
19 Assistant United States Attorney

20 /s/ authorized via e-mail

21 ANDRE TOWNSEND
22 Deputy Federal Public Defender
23 Attorney for Defendant
24 MARLENE VARGAS

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